

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.214

ARB-345-2018 (O&M)

Date of decision: 22.01.2020

M/s Sar Agencies

....Petitioner

versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Daman Dhir, Advocate
for the petitioner.

Mr. Alok Kumar Jain, Advocate
for the respondents.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 14 read with Section 15 and 11(6) of the Arbitration and Conciliation Act, 1996 (for short – the Act) for terminating the mandate of the Arbitrator already appointed and for appointment of a fresh Arbitrator in his place.

The petitioner was awarded a contract by the respondents for construction of accommodation at Subathu (HP). Admittedly, as per the applicable terms and conditions of the contract the disputes between the parties arising out of the ``contract were to be settled through the mode of Arbitration.

On disputes having arisen between the parties, an Arbitrator was appointed, who entered into the disputes but before he could finally adjudicate upon them he superannuated. Thereafter, another Arbitrator was appointed, who has also superannuated, occasioning the filing of the present petition.

After hearing learned counsel for the parties and with their consent, for adjudicating the disputes between them, Sh. Baljit Singh, Additional Director General (Contract), Chandimandir, Cantonment Area, Chandimandir, is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. Baljit Singh under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients as also of the Arbitrator, the venue of the Arbitration shall be at Chandimandir or at any other place convenient to all concerned.

A copy of this order be forwarded to Sh. Baljit Singh, Additional Director General (Contract), Chandimandir, Cantonment Area, Chandimandir.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 10.02.2020 at 11 A.M. or any other date suitable to all concerned.

The matter is disposed of in the above terms.

January 22, 2020
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No